

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 24, 2007, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Karen W. O'Neal, Deputy Director, Licensing and Regulation Division
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. Stephenson, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Ms. McIntyre moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

**Approval of
Agenda**

Public Comment Period – No comments were made to the Section members.

Public Comment

Mr. Deputy and his attorney, Wilcox Dunn, were present and in agreement with the Consent Order and to answer any questions that the Section members may have.

**File Number
2007-01883,
David L. Deputy**

Regarding **File Number 2007-01883, David L. Deputy**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Deputy. Ms. McIntyre moved to recommend that the Board accept the Consent Order which cites the following violations: § 54.1-411 of *the Code of Virginia* (Count 1), 18 VAC 10-20-760.B (Count 2), and 18 VAC 10-20-710.A (Count 3) of the Board's 2002 regulations. For these violations Mr. Deputy agrees to the following fines: \$500.00 for the violation contained in

Count 1, \$100.00 for the violation contained in Count 2, \$100.00 for the violation contained in Count 3, as well as \$500.00 in Board costs. Mr. Stephenson seconded the motion which was unanimously approved by members: McIntyre and Stephenson. As the presiding Board member, Mr. McAden was not present during the presentation, discussion or vote.

Mr. McAden disclosed that he works in the same geographical area as Mr. Quesenberry and has spoken to him on a couple of occasions; however, he believes that he can be fair and impartial in this matter.

File Number
2006-04226, L.
J. Quesenberry

Regarding **File number 2006-04226, L. J. Quesenberry**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Quesenberry. Mr. McAden moved to recommend that the Board accept the Consent Order which cites the following violations: 18 VAC 10-20-370.B (Count 1), 18 VAC 10-20-700.A (Count 2), and 18 VAC 10-20-790.A.6 (Count 3) of the Board's 2002 regulations. For these violations Mr. Quesenberry agrees to the following fines: \$250.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, and \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs. Mr. Stephenson seconded the motion which was unanimously approved by members: McAden and Stephenson. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

Mr. McAden disclosed that he works in the same geographical area as Mr. Quesenberry and has spoken to him on a couple of occasions; however, he believes that he can be fair and impartial in this matter.

File Number
2006-04227, L.
J. Quesenberry

Regarding **File Number 2006-04227, L. J. Quesenberry**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Quesenberry. Mr. McAden moved to recommend that the Board accept the Consent Order which cites the following violations: 18 VAC 10-20-370.B (Count 1), 18 VAC 10-20-700.A (Count 2), and 18 VAC 10-20-790.A.6 (Count 3) of the Board's 2002 regulations. For these violations Mr. Quesenberry agrees to the following fines: \$250.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, and \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs. Mr. Stephenson seconded the motion which was unanimously approved by members: McAden and Stephenson. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

Mr. Stephenson turned over the position of Chair to Mr. McAden and recused himself from the meeting.

Transfer of
Chair

Regarding File Number 2007-01934, Douglas R. Meredith, Jr., the Section members reviewed the Consent Order as seen and agreed to by Mr. Meredith. Ms. McIntyre moved to recommend that the Board accept the Consent Order which cites a violation of 18 VAC 10-20-370.C.3.a of the Board's 2002 regulations. For this violation, Mr. Meredith agrees to a \$1,000.00 fine as well as \$150.00 in Board costs. Mr. Meredith also agrees to attend an eight hour course on boundary and traverse adjustment and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six months of the effective date of this Order. Mr. McAden seconded the motion which was unanimously approved by members: McAden and McIntyre. As the reviewing Board member, Mr. Stephenson was not present during the discussion or vote.

File Number
2007-01934,
Douglas R.
Meredith, Jr.

Mr. Stephenson returned to the meeting and resumed the position of Chair.

Transfer of
Chair

The Section members were provided with a letter requesting clarification if a Licensed Land Surveyor B can design stormwater management facilities such as detention ponds and whether the following aspects of the design are included: (1) hydrologic (runoff) calculations, (2) hydraulic design calculations (sizing of the basin; design of the riser, barrel, and emergency spillway) and, (3) design of the embankment (dimensions, seepage control design, earthwork specifications). After review and discussion, the Section members agreed by consensus that a licensed Land Surveyor B is qualified to design all of the above and this matter will be presented to the APELSCIDLA Board at its next meeting on June 14, 2007, for Board approval.

Discussion of
Design of
Stormwater
Management
Facilities by LS
B's

The Section members were provided with the draft proposed regulations from the Continuing Education Committee for review.

Review of Draft
Proposed
Wording for
Continuing
Education
Requirements

Mr. Courtney informed the Section members that Mr. Fauber of the Architects Section requested that retired licensees who wish to keep their licenses active be exempt from the continuing education requirements. Mr. Courtney noted that the underlying statute prohibits this and licensees of the Board are licensed for life per § 54.1-405 of the *Code of Virginia*; however, on the upcoming APELSCIDLA Board agenda the legislative wish list would be considered and he indicated he would add this idea to the list for consideration.

The Section members were provided with information that summarized the topics addressed at the NCEES NE Zone Meeting. Some of the main topics covered at the meeting were a White Paper report to establish an

Report from
NCEES NE
Zone Meeting

NCEES office in Washington, D.C., removing engineering surveys from the practice of engineering in the Model Law, and the work by the UPLG Committee on the BS + 30 education requirement.

Mr. Stephenson nominated Ms. McIntyre as Chair of the Land Surveyors Section for a term beginning June 1, 2007, and ending June 31, 2008. Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. Ms. McIntyre abstained from the vote.

**Election of
Officers**

The Section members were provided with various memorandums and notices from NCEES.

**Review
Information
from NCEES**

Mr. Courtney updated the Section members on the status of the Photogrammetry regulations.

Other Business

Mr. Courtney informed the Section members that one of the topics on the June 14, 2007, APELSCIDLA agenda would be a discussion of *Record Drawings*.

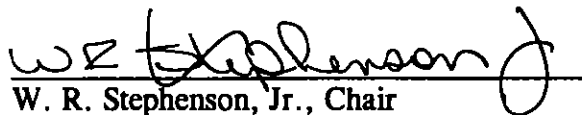
Ms. McIntyre requested clarification as to why the changes were made to the seals in the APELSCIDLA Board's regulations. Mr. Courtney replied the change was made to distinguish between the licensed and certified professions.

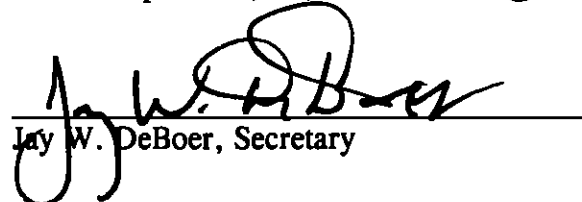
Conflict of Interest forms were completed by all members present.

**Conflict of
Interest Forms**

There being no further business, the meeting was adjourned at 10:18 a.m.

Adjourn


W. R. Stephenson, Jr., Chair


Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John R. McAden
 2. Title: Member
 3. Agency: Land Surveyors Section
 4. Transaction: Section Meeting/Examination Workshop on May 24, 2007
 5. Nature of Personal Interest Affected by Transaction: Surveying, agenda items 5 & 6 - I know Mr. Quisenberry but do not feel it would prevent me from being fair and impartial.
 6. I declare that:
 - (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
Surveyors
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.
- John R. McAden 5-24-07
Signature Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nancy E. McIntyre
2. Title: Member
3. Agency: Land Surveyors Section
4. Transaction: Section Meeting/Examination Workshop on May 24, 2007
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

LAND SURVEYORS

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Nancy E. McIntyre
Signature

5/24/07
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. R. Stephenson, Jr.
2. Title: Member
3. Agency: Land Surveyors Section
4. Transaction: Section Meeting - May 24, 2007
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

WR Stephenson Jr
Signature

5/24/07
Date